

Application No: 10/665,440 Docket No.: Q137-US7

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## REMARKS

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Claims 1-65 are canceled and claims 66-79 were previously presented. Accordingly, claims 66-79 are pending examination.

The Applicant adds a new paragraph to the Summary. The new paragraph is a summary of the originally filed claim 1 and is accordingly supported by the original specification.

**Rejection of Claims 66-79 Under 35 USC §112**

Claims 66-79 are rejected under 35 USC §112, first paragraph, as based on a disclosure which is not enabling. In particular, the Office Action argues that the "electrically conductive terminal pin being electrically insulated from the case" is critical or essential to the practice of the invention, but not included in the claim, is not enabled by the disclosure."

Claim 66 does specify a pin in electrical communication with the first electrode strip and extending through the first end cap but does not specify that the pin is electrically insulated from the case. Page 3, line 19-20 provides that the "battery case itself generally functions as the other battery terminal." The use of the term "generally" indicates that the invention includes embodiments where the case does not function as the other terminal. If the case does not function as the other terminal, then it is not critical or essential for the pin to be electrically insulated from the case. Since it is not critical for the pin to be electrically insulated from the case, MPEP §2164.08(c) provides that claims need not specify that the pin is electrically insulated from the case.

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**CONCLUSION**

The Examiner is encouraged to telephone or e-mail the undersigned with any questions.

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